

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CARLOS BARRAZA-SOTO

v.

UNITED STATES MED. CTR. FOR FED.
PRISON - SPRINGFIELD, MO.

§
§
§
§
§
§

C.A. NO. C-06-21

ORDER OF TRANSFER

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. He filed this action on January 13, 2006, alleging that the medical staff at the Medical Center for Federal Prisoners in Springfield, Missouri failed to provide him with proper medical attention in October 2004, after two separate instances in which he slipped and fell.¹

Plaintiff is presently incarcerated at the United States Medical Center in Springfield, Missouri. He was incarcerated at FCI-Three Rivers in Three Rivers, Texas when he originally filed his action. The defendant is located in Springfield, Missouri, which is in Greene County and thus the Western District of Missouri, Southern Division. 28 U.S.C. § 105(b)(5).


Generally, venue in federal question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. 28 U.S.C. §§ 1404, 1406; Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1998) (per curiam). The alleged events

¹ It is not entirely clear whether plaintiff is suing the United States pursuant to the Federal Tort Claims Act, or is alleging violations of his constitutional rights against individual defendants pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).

giving rise to plaintiff's claim occurred when plaintiff was incarcerated at the United States Medical Center in Springfield, Missouri. (D.E. 1). In addition, defendants are located in Missouri.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Missouri, Southern Division. Plaintiff's motion to proceed *in forma pauperis*, (D.E. 8), is denied without prejudice, subject to reconsideration after this action is transferred.

ORDERED this 13th day of March 2006.


BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE